

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Writ Petition No.446 of 2006

 Office Notes, Office Memoranda of Coram, :
 Appearances, Court's orders or directions : Court's or Judge's orders
 and Registrar's orders.

Mr. M.I. Dhatrak, Advocate for the Petitioner,
 Mr. D.B. Patel, APP for the respondents/State.

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CORAM : K. J. ROHEE & C. L. PANGARKAR, JJ
DATED : DECEMBER 6, 2006

1. Heard.
2. The petitioner applied for police protection for himself to respondent no.1 on 19.10.2005. It was contended by the petitioner that he is a Social Worker and he has brought criminal acts of the traders and the public servants to light. He has also filed writ petition before this Court in that connection. Because of his social activities, he apprehended threat to his life. Hence he prayed for providing police protection to him.
3. By communication dated 17.3.2006 respondent no.1 informed respondent no.2 that since three crimes are registered against the petitioner, police protection is refused to him. This order was communicated to the petitioner by intimation dated 4.4.2006 by respondent no.2. This

refusal has been challenged by the petitioner.

4. It was contended by the learned counsel for the petitioner that after filing of this writ petition, he had applied for grant of licence to hold weapon. In that connection respondent no.2 made report to S. D. M. Kelapur on 21.11.2006 confirming that the petitioner is a Social Worker, that several persons opposed him in his activities and that there was need for him to have a weapon for self protection. The learned counsel for the petitioner submitted that this report of respondent no.2 is against the stand taken by respondent no.1 in refusing police protection. It was also contended by the learned counsel for the petitioner that the offences alleged to have been registered against the petitioner are all arising out of his activities in the public interest and no individual crime as such is there.

5. The Guidelines issued by the State Government on 3.1.2000 in this respect provide that if offences have been registered against the applicant, no police protection should be provided to him. The said Guidelines also provide that police protection should be provided to Members of Parliament and Members of Legislative Assembly even if offences are registered against them. It is thus obvious that the guidelines are discriminatory in so far as a citizen and representatives of the people are concerned. Whatever it might be, one

thing is certain that before an apprehension of threat to the life, the applicant must inform the police about such threat. In that case the police would inquire into the matter and would come to the conclusion whether the threat was real and whether there was necessity to provide police protection. No such thing has been done in the present case before applying for police protection on 19.10.2005. No complaint/report appears to have been made by the petitioner either to respondent no.1 or respondent no.2 informing them of his apprehension of threat from any source. Thus the petitioner has not made out a case for providing police protection. No interference is required in the impugned communication dated 4.4.2006. The petition is, therefore, dismissed in limine.

6. It is needless to say that in future if the occasion arises, the petitioner may again apply for providing police protection and the police may consider the same on its own merits.

JUDGE

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JUDGE